

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

AMGEN INC. and
AMGEN MANUFACTURING LIMITED,

Plaintiffs,

v.

ADELLO BIOLOGICS, LLC,
AMNEAL PHARMACEUTICALS, LLC,
and AMNEAL PHARMACEUTICALS, INC.

Defendants.

C.A. No. 2:18-cv-03347-CCC-MF

AMENDED SCHEDULING ORDER

THIS MATTER having come before the Court upon the application of Defendants Amneal Pharmaceuticals, LLC and Amneal Pharmaceuticals, Inc. (collectively “Amneal”); on consent of Amgen Inc., Amgen Manufacturing Limited (collectively “Amgen”) and Adello Biologics, LLC (“Adello”); and for good cause having been shown:

IT IS on this 19 day of November, 2018,

ORDERED THAT the June 22, 2018 Scheduling Order is amended as follows:

1. Amneal’s Fed. R. Civ P. 26 initial disclosures are to be served by **12/10/2018**.
2. Amneal’s non-infringement contentions and related document production required under L. Pat. R. 3.2A shall be served by **12/21/2018**.
3. Amneal’s invalidity contentions and related document production required under L. Pat. R. 3.3 and 3.4 shall be served by **12/21/2018**.
4. Amgen’s response to Amneal’s invalidity contentions shall be served by **01/14/2019**.
5. The parties shall exchange proposed terms for claim construction by **01/22/2019**.

6. The Parties shall simultaneously exchange preliminary proposed claim constructions and supporting intrinsic and extrinsic evidence, in accordance with L. Pat. R. 4.2(a) and (b) by 02/05/2019.

7. The Parties shall exchange intrinsic and extrinsic evidence that each party intends to rely upon to oppose other party's proposed construction by 02/19/2019.

8. The Parties shall Meet-and-Confer to narrow the issues and to finalize preparation of a Joint Claim Construction and Prehearing Statement no later than 02/25/2019.

9. A Joint Claim Construction and Prehearing Statement shall be submitted no later than 03/04/2019.

10. The Parties shall substantially complete document production by 03/18/2019.

11. The Parties shall complete all discovery relating to claim construction, including any depositions with respect to claim construction of any witnesses, other than experts, identified in the Preliminary Claim Construction Statement or Joint Claim Construction and Prehearing Statement no later than 03/25/2019.

12. The Parties shall file their opening *Markman* briefs and any evidence supporting claim construction, including experts' certifications or declarations in accordance with L. Pat. R. 4.5(a) by 04/08/2019.

13. Any discovery from an expert witness who submitted a certification or declaration in accordance with L. Pat. R. 4.5(b) shall be concluded by 05/06/2019.

14. The Parties shall file responding *Markman* briefs and any evidence supporting claim construction, including any responding experts' certifications or declarations, in accordance with L. Pat. R. 4.5(c), by 06/3/2019.

15. The Parties shall confer in accordance with L. Pat. R. 4.6 to propose to the Court a schedule for a Claim Construction Hearing, to the extent the parties or the Court believe a hearing is necessary, by 06/10/2019.

16. Completion of all fact discovery shall conclude by 08/16/2019. Requests for additional time to conduct discovery will be considered under the “good cause” standard of Rule 16.

17. All expert reports on behalf of the party having the burden of proof on the issue shall be delivered by 09/06/2019.

18. Except as modified herein, the June 22, 2018 Scheduling Order remains in full force and effect.

SO ORDERED:


HON. MARK FALK, U.S.M.J.